

June 16, 2017

REGULAR MEETING AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
JUNE 16, 2017

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 N. LASALLE ST., SUITE S-901, CHICAGO, IL AND 607 E. ADAMS ST., SUITE 801, SPRINGFIELD, IL BY INTERACTIVE VIDEO CONFERENCE

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MAY 19, 2017

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MAY 19, 2017?**

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

**MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.**

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	142.....	20
Agriculture .....	308.....	19
Arts Council .....	9.....	2
Capitol Development Board .....	42.....	0
Central Management Services .....	864.....	73
Children and Family Services.....	2,575.....	54
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	289.....	69
Commerce Commission .....	56.....	0
Corrections .....	11,835.....	109
Criminal Justice Authority.....	53.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council .....	7.....	1
Emergency Management Agency.....	65.....	8
Employment Security .....	1,052.....	30
Environmental Protection Agency.....	638.....	18
Financial & Professional Regulation .....	402.....	49
Gaming Board .....	164.....	5
Guardianship and Advocacy .....	93.....	8
Healthcare and Family Services .....	1,838.....	27
Historic Preservation Agency.....	124.....	17
Human Rights Commission.....	14.....	2
Human Rights Department .....	121.....	10
Human Services.....	12,601.....	82
Illinois Torture Inquiry Relief Commission .....	3.....	1
Independent Tax Tribunal .....	1.....	0
Innovation and Technology .....	482.....	41
Insurance .....	220.....	17
Investment Board .....	3.....	2
Juvenile Justice.....	943.....	28
Labor .....	77.....	12
Labor Relations Board Educational.....	8.....	3
Labor Relations Board State.....	13.....	2
Law Enforcement Training & Standards Bd. ....	21.....	3
Lottery .....	142.....	8
Military Affairs.....	118.....	3
Natural Resources.....	1,033.....	31
Pollution Control Board .....	18.....	2
Prisoner Review Board.....	21.....	1
Property Tax Appeal Board.....	32.....	1
Public Health .....	1,058.....	41
Racing Board.....	2.....	1
Revenue.....	1,406.....	47
State Fire Marshal .....	122.....	12
State Police.....	967.....	10
State Police Merit Board .....	7.....	2
State Retirement Systems .....	102.....	3
Transportation .....	2,078.....	0
Veterans' Affairs .....	1,228.....	11
Workers' Compensation Commission.....	121.....	12
<b>TOTALS.....</b>	<b>43,527.....</b>	<b>905</b>

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C. Illinois Department of Central Management Services – proposed exemption**

Position Number	40070-37-00-030-00-01 <sup>A</sup>
Functional Title	Deputy Director, Bureau of Administrative Hearings
Incumbent	Sarah Kerley
Supervisor	Director
Location	Sangamon County

**CMS Recommendation:** “This position does meet the responsibility and reporting criteria of the Commission Rules, and I recommend continuation of the 4d(3) exemption.”

**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?**

**C: Deputy Director, Bureau of Administrative Hearings (CMS)**

**VI. CLASS SPECIFICATIONS**

**A. Governing Rule – Section 1.45 Classification Plan**

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

**B. None submitted**

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?**

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<sup>A</sup> The position was granted exemption on June 17, 2016 for a period of one year.

VII. PERSONNEL RULES

**A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules**

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

**B. None submitted**

**WILL THE COMMISSION DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?**

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

IX. RECONVENE THE REGULAR OPEN MEETING

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	4/30/17	<b>5/31/17</b>	5/31/16
Agriculture	1	<b>1</b>	3
Central Management Services	3	<b>3</b>	6
Children and Family Services	1	<b>1</b>	2
Commerce and Economic Opportunity	1	<b>3</b>	0
Emergency Management Agency	0	<b>0</b>	1
Employment Security	0	<b>0</b>	3
Financial and Professional Regulation	1	<b>1</b>	2
Guardianship and Advocacy	1	<b>1</b>	0
Healthcare and Family Services	6	<b>6</b>	7
Historic Preservation Agency	0	<b>0</b>	1
Human Services	14	<b>13</b>	19
Insurance	0	<b>0</b>	2
Juvenile Justice	1	<b>1</b>	0
Labor Relations Board-Education	0	<b>1</b>	0
Lottery	0	<b>1</b>	0
Natural Resources	9	<b>10</b>	30
Property Tax Appeal Board	1	<b>1</b>	0
Revenue	1	<b>1</b>	0
State Fire Marshal	2	<b>2</b>	0
State Police	1	<b>1</b>	0
State Retirement Systems	0	<b>1</b>	4
Veterans' Affairs	2	<b>2</b>	0
Workers' Compensation Commission	0	<b>0</b>	2
<b>Totals</b>	45	<b>50</b>	82

XI. INTERLOCUTORY APPEALS

**DA-39-17**

Employee	Bridget Damper	Appeal Date	4/11/17
Agency	Human Services	Decision Date	5/31/17
Type	Discharge	ALJ	Andrew Barris
Issue	Failure to appear at scheduled hearing date	Proposal for Decision	Dismissed for default, subject to approval of Commission.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**RV-12-17**

Employee	Jeffrey Atterberry	Appeal Date	9/06/16
Agency	Financial & Professional Regulation and Central Management Services	Decision Date	4/28/17
Type	Rule Violation	ALJ	Andrew Barris
Issue	Appeal was not timely filed	Proposal for Decision	Dismissed for no jurisdiction, subject to approval of Commission.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

**DA-9-17**

Employee	Joseph Wheeler	Appeal Date	8/03/16
Agency	Human Services	Decision Date	6/02/17
Appeal Type	Discharge	Proposal for Decision	Appeal upheld; discharge set aside in whole and employee to be reinstated.
ALJ	Daniel Stralka		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**DA-26-17**

Employee	Evan T. Guthrie	Appeal Date	11/28/16
Agency	Transportation	Decision Date	06/02/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**S-32-17**

Employee	Charles L. Johnson	Appeal Date	1/23/17
Agency	Human Services	Decision Date	6/02/17
Appeal Type	Suspension	Proposal for Decision	Suspension upheld.
ALJ	Andrew Barris		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

XIII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

**DA-44-17**

Employee	Edward W. Curley	Appeal Date	5/19/17
Agency	Veterans' Affairs	Decision Date	6/02/17
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

**GT-21-17**

Employee	Velda Landrum-Babin	Appeal Date	10/18/16
Agency	Revenue	Decision Date	05/23/17
Appeal Type	Geographical Transfer	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?**

XIV. REVIEW OF CLOSED MEETING MINUTES PURSUANT TO OPEN MEETINGS ACT

**AFTER REVIEW OF THE CLOSED MEETING MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?**

June 16, 2017

XV. STAFF REPORT

XVI. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

**The next regular open meeting is to be held at 11:00 a.m. on Thursday, July 20, 2017.**

XVII. MOTION TO ADJOURN